

THE MASSBUYS EXPO

GIFTS & DONATION POLICY (2016)

EXHIBITOR & ATTENDEE ETHICS GUIDELINES FOR GIFTS, RAFFLES & DOOR PRIZES:

The Operational Services Division (OSD) welcomes all who participate in the MASSBUYS EXPO for a day of meeting Statewide Contract Vendors, education, career development, networking and sharing. We have prepared some guidelines to be reviewed by exhibitors and public employees regarding the distribution and acceptance promotional items and other items during the MASSBUYS EXPO. Attendees at MASSBUYS will consist primarily of Commonwealth, county and municipal employees who are subject to specific State Ethics Commission guidelines (MGL C. 268A) regarding gifts and donations which applies to raffles, door prizes, and promotional items. The complete text of this law and related educational materials are available from the State Ethics Commission website at <http://www.mass.gov/ethics>. In so far as Random Drawings (raffles) are concerned, Ethics Commission guidance provides that public employees may accept any gift that is entirely unrelated to official action by the public employee, and to the public employee's official position, and to the public employee's performance of official duties, from persons other than lobbyists, because these gifts are not prohibited by M.G.L. c. 268A, §§ 3, 23(b)(2), and 23(b)(3) as stated under 930 CMR 5.06 Exemptions from MGL c.268A and MGL c. 268B Related to Gifts: [No Violation and No Exemption Needed: Gifts Unrelated to Official Action, Position, or Performance of Duties](#). (See the end of this document for a more detailed extract from the above referenced section of 930 CMR 5.06.)

The guidelines as they apply to the MASSBUYS EXPO are listed below:

EXHIBITORS:

- Exhibitors may distribute promotional items of nominal value to attendees (pencils, pens, coffee mugs, key chains, tote bags, etc.). However, the cumulative value of all items given to any public official must have a value of less than \$50.
- Exhibitors may not offer special items (even if the value is less than \$50) to any attendee as a reward for an order.
- Exhibitors may conduct raffles. The value of the prize may exceed \$50 if the drawing is random. Given that OSD is the host of the MASSBUYS EXPO and given the nature of business conducted between MASSBUYS Exhibitors and OSD employees, Exhibitors are asked to refrain from offering raffle prizes or items other than the aforementioned promotional items that are available to all attendees to OSD employees. If an OSD staff name is pulled during a raffle, exhibitors are advised to pull a second name.

ATTENDEES:

Individual public employees are responsible for ensuring compliance with MGL c. 268A, and should direct any questions to the Ethics Commission. Any state employees covered by the conflict of interest law may request legal advice from the State Ethics [Legal Division](#) about how the law applies to them in a particular situation. The Ethics Commission provides contact information on its website, which is summarized below.

Advice may be requested by calling the “Attorney-of-The-Day,” or online, or in writing by U.S. Mail.

1. Call the “Attorney-of-The-Day” at (617) 371-9500 or (888) 485-4766 and your call will be returned within one business day.
2. Make a [Request Online](#) either a telephone response or written advice. Generally telephone advice will be returned within one business day. A request for written advice is usually made within 30 days.
3. Sending a Letter Requesting an Informal Written Advisory Opinion must include all relevant facts and specific question. You will receive an informal written advisory opinion within 30 days.

Public Employees also are advised to review any applicable guidance issued by the Department employing them concerning the acceptance of gifts.

Extract: [930 CMR 5.00, Gift Exemptions](#).

5.06: No Violation and No Exemption Needed: Gifts Unrelated to Official Action, Position, or Performance of Duties

Public employees may accept any gift that is entirely unrelated to official action by the public employee, and to the public employee's official position, and to the public employee's performance of official duties, from persons other than lobbyists, because these gifts are not prohibited by M.G.L. c. 268A, §§ 3, 23(b)(2) and 23(b)(3). No disclosure is required at the time of acceptance of these gifts, but if a matter involving the giver comes before the public employee during the six months following such acceptance, or if such a gift follows any official action by the employee involving the giver within six months, the employee must make a written public disclosure concerning the gift pursuant to M.G.L. c. 268A, § 23(b)(3) using the procedure explained in 930 CMR 5.07(2).

For additional information and guidance the State Ethics Commissions is available as stated above. Additionally, you may email the MASSBUYS Administrator at: massbuysadmin@state.ma.us, or call: 617-720-3149 for any questions regarding this policy prior to attending MASSBUYS.